

**Village Council  
Monday,  
October 19, 2009  
7:00 PM**

**Minutes**

**Call to Order:** Mr. Deeds called the meeting to order at 6:58pm

**Pledge of Allegiance:** Mrs. Turner led the Pledge of Allegiance

**Roll Call:**

John Bender	Rick Deeds	Bobbie Mershon	Victor Paini
Marilyn Rush-Ekelberry	Leah Turner		

Mrs. Mershon moved to excuse Mr. Jarvis; seconded by Mr. Paini.

**VOTE:**       **AYES** Dr. Bender, Mrs. Mershon, Mrs. Turner  
                              Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                              **NAYS**  
                              Motion carried.

**Approval of Minutes:**

Mrs. Rush-Ekelberry moved to approve the minutes from the October 5<sup>th</sup>, 2009 meeting; seconded by Mrs. Mershon.

**VOTE:**       **AYES** Dr. Bender, Mrs. Mershon,  
                              Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                              **NAYS**  
                              Mrs. Turner abstained. Motion carried.

Mrs. Rush-Ekelberry moved to approve the minutes from the October 12<sup>th</sup>, 2009 Special Meeting; seconded by Mrs. Mershon.

**VOTE:**       **AYES** Mrs. Mershon, Mrs. Turner  
                              Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                              **NAYS**  
                              Dr. Bender abstained. Motion carried.

**Communications & Petitions:**

A presentation was given by Pam Learman of Columbia Gas regarding the Riser Replacement Program. See attached information. Columbia Gas will be replacing 550 risers in Canal Winchester that are prone to fail. The replacement will be done at no cost to the resident. A door hanger will be left to advise residents that the work will be done. At the end of the work, another door hanger will be left to advise the resident of who to call to get their gas turned back on.

A letter was received from Larry Flowers, Administrator of Madison Township regarding the desire of the Madison Township Board of Trustees to discuss and consider the creation of a CEDA with the Village.

Quarterly Report from the Franklin County Board of Health for the quarter ending June 30, 2009 was presented.

A memo was received from Allan Neimayer regarding Application ZA-09-05 to rezone 5 properties on West Mound Street and 2 properties on West Oak Street from GC to R-3. The Planning & Zoning Commission has recommended approval and this matter must be scheduled for Public Hearing by Council. It was determined that it would be December 7<sup>th</sup> at 6:30pm at Town Hall.

A memo was received from Nanisa Osborn regarding the proposed changes to the Utilities Manual dealing with rental properties.

A letter that was sent to Board of Directors of SWACO was included in the packet, as well as, the notice of Public Hearing on Nov 2<sup>nd</sup>, 2009 at 6:45pm on the Preservation Guidelines and the 6:30pm on the Winchester Square signage.

**Village Residents Comments:**

Five-minute limit per person

**Jim Knowlton**, of 25 Kramer Street, spoke out against the changes to the Utilities Manual that require the landlords to collect for the water bill. He didn't see the need for the changes since the bills must be brought up to date when a new tenant moves out anyway. He believes it is an invitation for waste and abuse.

**Jerry French**, of 918 Bowen Rd, added that he thinks it is ridiculous. He is going to be eventually responsible to pay that water bill. The new system will force him to hand deliver the bills to tenants. He would like to see the numbers as to how many people walked out on their water bills. He is requesting that Council step back and takes a look at this before taking a vote.

**Nancy Wright**, of 12 N High Street, also wanted to express her opinion that it is a terrible inconvenience. They should be contacted in the event that the water bill is behind, but only then.

**Jeff Bond**, 146 Washington Street, Apt C, also added his opinion in speaking out against this policy. He also suggested impropriety with the Mayor's Court report, since it has hand written information included on it.

**Jeff Santo**, of 45 N Trine St., stated that he likes the way that it is set up now because the tenants care about leaks and water usage, since they are paying for it. His tenants have also stated that they prefer to have the bills in their name.

**Jeff Baker**, of 8320 Benadum Rd.; MakDrew Companies, owns several properties in the area. They have a clause in their lease agreement, that the tenant must be up to date in all bills before the deposit is returned to them. Without the bill in their name, the tenant doesn't care about the water usage. How will it work when one tenant doesn't pay in a four-family building? The water cannot be shut off to all families when/if one doesn't pay.

**Darlene Perry**, of 5385 Lithopolis-Winchester, was surprised when her tenant advised her of this change. There are 51 landlords in a half-mile radius of Canal Winchester. Of those 51, 55% live within the Village. Another 18% have a Canal Winchester address. 25% are within a 20 mile radius. Only 2% are out of town. The vast amounts of landlords care about this community and live here.

## **ORDINANCES:**

### **THIRD Reading**

Sponsor: Mr. Deeds

O-09-09A AN ORDINANCE TO REPEAL EXISTING CHAPTER 713 OF THE VILLAGE CODE, TO ADOPT NEW CHAPTER 713 OF THE VILLAGE CODE REGARDING PEDDLERS AND SOLICITORS, TO ESTABLISH PEDDLERS AND SOLICITORS REGISTRATION PROCESS, AND DECLARING AN EMERGENCY.

Mr. Deeds read the ordinance and moved to adopt Ordinance 58-09. Mrs. Mershon seconded the motion.

Mr. Hollins stated that the Do Not Knock List will be available at the Municipal office for residents to sign. It has a 16 year and younger clause included.

**VOTE:**       **AYES** Dr. Bender, Mrs. Mershon, Mrs. Turner  
                      Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                      **NAYS**  
                      Motion carried.

Sponsor: Mrs. Mershon

O-09-09B AN ORDINANCE TO UPDATE THE FEES TO BE ASSESSED FOR THE CANAL WINCHESTER MAYOR'S COURT AND DECLARING AN EMERGENCY

Mrs. Mershon read the ordinance and moved to adopt Ordinance 59-09. Mr. Paini seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mrs. Mershon, Mrs. Turner  
                      Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                      **NAYS**  
                      Motion carried.

Sponsor: Dr. Bender

O-09-09C AN ORDINANCE TO REPEAL ORDINANCE 03-05 AND ADOPT REVISED UTILITY OPERATING RULES AND REGULATIONS

Dr. Bender read the ordinance. This was originally created to streamline the operating rules and he believes that the landlords have a point. You have to make the tenants responsible. Dr. Bender can't in good conscience, sponsor this ordinance in this form. Mrs. Turner suggested that it be tabled and talked about again. Mr. Paini agreed that a problem has been identified and maybe this wasn't the best solution. Further discussion ensued.

Mr. Paini moved to table the ordinance and remand it to Service Committee. Dr. Bender seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mrs. Mershon, Mrs. Turner  
                      Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                      **NAYS**  
                      Motion carried.

## **SECOND Reading**

Sponsor: Mr. Jarvis

O-09-10B      AN ORDINANCE TO AMEND THE 2009 APPROPRIATION ORDINANCE 63-08.  
Amendment #3

Mr. Paini read the ordinance. Second reading only.

### **Mayor's Report:**

Dr. Bender moved to accept the Clerk of the Mayor's Court Report for September 2009; Mr. Paini seconded the motion.

**VOTE:**            **AYES** Dr. Bender, Mrs. Mershon, Mrs. Turner  
                         Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini  
                         **NAYS**  
                         Motion carried.

No SWACO developments.

Last week, the Diley Road ribbon cutting took place.

Wednesday, October 28<sup>th</sup>, there will be an Ohio University education forum at the Community Center at 6:30pm. The more people that attend, the more interest Ohio University will have in Canal Winchester.

### **Fairfield County Sheriff:**

Sgt. Kern stated that the Deputies just completed their annual firearms training and will be finishing their taser and haz. mat training.

Sgt. Kern read the report.

### **Village Solicitor:**

No report tonight. Mr. Hollins stated that the Mayor's Court report is being double and triple checked and there is no reason to worry.

### **Finance Director:**

Ms. Osborn presented the Financial Statement for the period ending September 30, 2009 and presented the projected 2010 budget, should Waste Management revenue be lost.

Some of the proposed changes are as follows... (This list is not all-inclusive)

- Reduction in salaries and benefits in Parks; seasonal laborer position will be limited.
- Reducing Operation and Maintenance and Contract services
- No renovations to the Interurban.
- Pool benefits and wages are limited. Pool hours will be limited.
- Raise in the benefit lines for Zoning Department due to increase in Health Insurance costs.
- Reducing Zoning travel, vehicle maintenance, GIS system and contract services.
- Reducing seasonal position for Urban Forester down to one position.
- Reducing education, contract services, street maintenance and capital outlay.
- Slight decrease in Development benefits, travel, contract services and advertising.
- A full-time position in Building dept. will be shared with Community affairs and others to attempt to keep the full-time position.
- \$75,000 out of alleys, ramps, sidewalks and crosswalks.
- Reduced Kids Connect to ½ of the usual donation.
- Newsletter will be 3 times a year instead of 4.
- Small add to Mayor's Court benefits with a reduction in operation and maintenance.

- Small add to Finance Dept benefits with reduction to memberships, legal advertising, etc.
- Eliminate part-time receptionist position as well of the benefits there.
- Part-time position in Community affairs will be eliminated.
- Small add to benefits and reductions to salaries, benefits, education and supplies in sewer dept.

The reductions are spread all across the General Fund. All departments have been touched, yet the residents will not see dramatic differences in the services that they receive.

Mr. Paini acknowledged that this belt tightening is being done without any recommendations for tax increases and appreciated it.

Discussion ensued regarding the Medical offices at Diley Ridge and the possible revenue it could generate.

Mayor Ebert read a letter into record stating that, in light of the budget situation for 2010, he would not be taking his raise for the upcoming year and he urged Council to consider foregoing their raises as well. Should Council members decide to forego their raise, they should present that in writing to Ms. Osborn by January 1<sup>st</sup>.

#### **Public Works Director:**

Eichorn/Rutherford/Robinette Drive is on schedule and will be paved soon.

Waterloo re-paving continues and striping has begun

Water tower maintenance continues with interior painting.

Fall Street tree planting started this week.

Thrush Drive island landscaping is complete.

Kids Connect will be planting bulbs at the Community Center, pool and Stradley Park.

The polymer pump will be in for the Sludge press soon.

Leaf Pickup has begun and will continue to December 4<sup>th</sup>.

#### **Development Director:**

P&Z meeting will move forward the re-zoning for seven properties on Mound and Oak Street.

Thoroughfare plan, multi-purpose pathway plan map and the future land use map have been reviewed by P&Z.

Manifold and Phalor engineering plans are in and will be reviewed next week.

Mr. Strayer attended the National Assoc. of Industrial and Office Properties Conference last week.

#### **Community Affairs Director:**

Ms. Hoover is not in attendance. Mayor Ebert stated she is working in the Christmas in the Village.

Mr. Paini and she are working on the social networking sites for the Village.

#### **Council Reports:**

Old Town Committee	Monday, November 9, 2009 at 5:45 PM
Finance Committee	Monday, November 2, 2009 at 5:45 PM
Service Committee	Monday, November 16, 2009 at 5:45 PM
Safety Committee	Monday, November 9, 2009 at 5:00 PM
- Speeding in several areas within the Village were discussed.	
Public Hearing	Monday, November 2, 2009 at 6:30 PM – Winchester Sq. Signs
Public Hearing	Monday, November 2, 2009 at 6:45 PM – Preservation Guidelines
Committee of Whole	Monday, November 30, 2009 at 6:30 PM

**New Business:**

Tomorrow night is Meet the Candidate Night from 7-8:30pm at the Community Center.

Do Not Knock list applications will be available in the Municipal Building. Something that residents can post on their mailboxes or doors to discourage soliciting will be printed up and should be available to the public soon.

Mrs. Mershon talked to David Ruma about Mrs. Walters' complaints about the golf balls being hit into her house. Mr. Ruma stated that he wasn't aware of the situation. Mrs. Walters will be sending him copies of all of the correspondence sent to him over the years and he will look into the situation. Mr. Strayer talked to Mrs. Walters and went to her home as well.

**Adjourn to Executive Session:** Not needed at this time.

**Adjournment:**

Mr. Paini moved to adjourn the meeting. Mrs. Turner seconded the motion.

**VOTE:**       **AYES** Dr. Bender, Mrs. Mershon, Mrs. Turner  
                      Mrs. Rush-Ekelberry, Mr. Deeds, Mr. Paini

**NAYS**

Motion carried. Time out 8:28pm

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

**NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.**